

TO: Special Purpose Local Government Entity Officials

FROM: R. Michael Duncan, Supervisor
Audit Review Section

RE: Requirements Regarding:
1. Audit Report Publishing
2. Responses to Audit Report Findings and Recommendations

1. Audit Report Publishing Requirements

The Montana Single Audit Act (Title 2, Chapter 7, Part 5, MCA) requires each audited local government entity to send a copy of their annual or biennial audit report to a newspaper of general circulation in their area. Entity officials will want to request their independent auditor to provide them with an additional copy of the audit report.

In addition, the law requires each audited local government to send to their appropriate newspaper for publication a statement to the effect that the audit report is on file in its entirety, open to public inspection, and that the entity will send a copy of the audit report to any interested person upon request.

Publication is required to be done 30 days after you receive the audit report. Enclosed is a sample letter to the newspaper regarding publication of the statement regarding the audit, and a sample publication that you may want to utilize.

2. Responses to Audit Report Findings and Recommendations

Local government entities are required to notify the Department of Administration in writing as to the actions they plan to take on any deficiencies or recommendations contained in their audit report. This response or corrective action plan is required to be submitted to the Department of Administration within 30 days of receipt of the audit report

If you have any questions on the entity response requirements, please contact our office at 841-2907.

Enclosures: Sample Letter to Newspaper Regarding Publication of Statement Regarding Audit
Sample Audit Publication Statement
Section 2-7-521, MCA
Section 2-7-515, MCA

SAMPLE

AUDIT PUBLICATION STATEMENT

An audit of the affairs of [name of local government entity] has been conducted by [name of independent auditor]. The audit covered the fiscal year(s) ended [month, day, and year(s)].

Section 2-7-521, MCA, requires the publication concerning the audit report include a statement that the audit report is on file in its entirety and open to public inspection at [location where report is on file], and that the [name of local government entity] will send a copy of the audit report to any interested person upon request.

Sincerely,

[name and title of local government
representative]

SAMPLE LETTER TO NEWSPAPER REGARDING PUBLICATION
OF STATEMENT REGARDING AUDIT

DATE

Name of Newspaper
Address
City, MT 59---

Gentlemen:

Section 2-7-521, MCA, requires that the attached Audit Publication Statement be published by a newspaper of general circulation. We consider your newspaper to be a newspaper of general circulation for the [name of local government entity].

Will you please publish the enclosed Audit Publication Statement for the fiscal year(s) ended [month, day, and year(s)]. All publication costs a required by statute to be borne by the [name of local government entity], so please bill us for those costs.

Also enclosed for your information, as required by statute, is a complete copy of the audit report. The audit report itself is not required by law to be published. Only the Audit Publication should be published.

Thank you for your cooperation.

Sincerely,

[name and title of local government representative]

Pages enclosed to be published – 1 page(s)

Billing Address: [name and address of local government entity]

2-7-521. Publication. (1) (a) After the expiration of the 30-day period provided for in 2-7-515(1), the local government entity shall send a copy of each audit report to a newspaper of general circulation in the area of the local government entity. However, each county audit report must be sent to the official newspaper of the county.

(b) For an audit report of a county or an incorporated city or town, the county, city, or town shall send to the appropriate newspaper a copy of a summary of significant findings regarding the audit report. The summary, which may not exceed 800 words, must be prepared by the independent auditor and contain a statement indicating that it is only a summary and is not intended to be used as an audit report.

(2) For an audit report of a county or incorporated city or town, a newspaper is required to publish only:

(a) the summary of significant findings provided for in subsection (1)(b); and

(b) a statement to the effect that the audit report is on file in its entirety and open to public inspection.

(3) For an audit report of a local government entity other than a county or incorporated city or town, the newspaper is required to publish only the statement provided for in subsection (2)(b) and a statement providing that the audited local government entity will send a copy of the audit report to any interested person upon request.

(4) Publication costs must be borne by the audited local government entity.

History: En. 82-4523 by Sec. 9, Ch. 380, L. 1975; R.C.M. 1947, 82-4523; amd. Sec. 1, Ch. 386, L. 1983; amd. Sec. 3, Ch. 140, L. 1989; amd. Sec. 1, Ch. 607, L. 1989; amd. Sec. 17, Ch. 489, L. 1991.

2-7-515. Actions by governing bodies. (1) Upon receipt of the audit report, the governing bodies of each audited local government entity shall review the contents and within 30 days shall notify the department in writing as to what action they plan to take on any deficiencies or recommendations contained in the audit report. If no deficiencies or recommendations appear in the audit report, notification is not required.

(2) Notification to the department shall include a statement by the governing bodies that noted deficiencies or recommendations for improvement have been acted upon by adoption as recommended, adoption with modification, or rejection.

(3) The local government entity shall adopt measures to correct the report findings and submit a copy of the corrective action plan to the department and, if the local government entity is a school district, shall also send a copy to the superintendent of public instruction. The department shall notify the entity of the acceptance of the corrective measures. If the department and the local government entity fail to agree, a conference between the parties must be held. Failure to resolve findings or implement corrective measures shall result in the withholding of financial assistance in accordance with rules adopted by the department pending resolution or compliance.

(4) In cases where a violation of law or nonperformance of duty is found on the part of an officer, employee, or board, the officer, employee, or board must be proceeded against by the attorney general or county, city, or town attorney as provided by law. If a written request to do so is received from the department, the county, city, or town attorney shall report the proceedings instituted or to be instituted, relating to the violations of law and nonperformance of duty, to the department within 30 days after receiving the request. If the county, city, or town attorney fails or refuses to prosecute the case, the department may refer the case to the attorney general to prosecute the case at the expense of the local government entity.

History: En. 82-4521, 82-4522 by Secs. 7, 8, Ch. 380, L. 1975; R.C.M. 1947, 82-4521(2), 82-4522; amd. Sec. 1, Ch. 128, L. 1991; amd. Sec. 13, Ch. 489, L. 1991.